

MICHAEL ROSEN
Law Offices
61 Broadway, Suite 2602
New York, New York 10006
mrosenlaw@aol.com

CELL (516) 381-6690
TEL (212) 742-1717

FAX (212) 248-4068

July 10 , 2012

Hon. Carol B. Amon
Chief Judge
United States District Court
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Vito Balsamo
12-CR-50 (S-2)-02 (CBA)

Dear Chief Judge Amon:

I represent Vito Balsamo who is scheduled to be sentenced July 25, 2012, at 9:30 a.m. As is my practice, I submit various letters from Mr. Balsamo's family, friends and acquaintances, appended to this memorandum, so that Your Honor will have an opportunity to review them prior to determining an appropriate sentence in this case. For the reasons set forth below, and considering the factors enumerated in Title 18, U.S.C. Section 3553 (a), I argue for a non-jail sentence for Mr. Balsamo, or, in the alternative, for a split sentence based on the low end of the applicable advisory Guideline.

THE GUIDELINES CALCULATIONS

I have reviewed the Guidelines calculations contained in paragraphs 35-44, 49 and 113 of the Presentence Investigation Report ("PSR") as well as having reviewed the Guidelines estimates

Page-2-

Re: United States v. Vito Balsamo
12-CR-50 (S-2)-02 (CBA)

contained in the Plea Agreement (p.2, para.3) ("Agreement"). I concur with these calculations, but note that the one level reduction for "global adjustment" proposed in the Agreement, was not accounted for in the PSR. Mr. Balsamo and all but one other covered co-defendant (Mr. Santora) entered timely pleas as per the Agreement. I respectfully request, nevertheless, that Your Honor grant Mr. Balsamo the one level reduction for "global adjustment". While not timely, Mr. Santora did subsequently enter a plea of guilty. If granted that additional one level reduction, the calculations yield an adjusted offense level of 12, a Criminal History Category ("CHC") of I, (PSR, para. 49), resulting in a range of imprisonment of 10-16 months.

I take objection to paragraphs 84 and 125 of the PSR insofar as its reporting that there is no record of Mr. Balsamo filing New York State income tax returns for the years 2008 through 2011. Paragraph 125 offers such alleged non-filing as "this other criminal conduct"...being considered..."as an aggravating factor at sentencing..." In response to my raising this issue with Mr. Balsamo, I was provided today with documents from his accountant showing the filings for the years 2008, 2009 and 2010. Those documents have been added to the appended letters. I am informed that the filing for 2011 is on extension.

On April 6, 2012, Mr. Balsamo plead guilty before Your Honor to Count Three of the second superseding indictment. Specifically, conspiracy to collect an unlawful debt as set out in that Count. According to the Agreement (para. 2) and the PSR (para. 28, 40), Mr. Balsamo was a "minimal

Page-3-

Re: United States v. Vito Balsamo
12-CR-50 (S-2)-02 (CBA)

participant” in the offense as his role was limited to brief conversations collecting the debt (Id.). He has agreed to a forfeiture judgment of \$5,000.

Mr. Balsamo is 56 years of age. As will be described below he is the father of two daughters, been employed steadily as a licensed stockbroker since 1990 and is a recovered alcoholic who is now deeply involved in helping and assisting youths in conquering their substance abuse demons. His help and guidance does not stop with problems of substance abuse. As Your Honor will read, Mr. Balsamo has been instrumental and committed to giving others a chance to prove themselves.

In reviewing Mr. Balsamo's history and characteristics, under 3553 (a), I submit that he possesses strong positive attributes for Your Honor's consideration. Nogay Sever was an arrival from the Middle East when, as a 22 year old, he met Mr. Balsamo in 2003. In his letter, Mr. Sever describes how Mr. Balsamo hired him, "stood up" for him and "believed" in him, notwithstanding, his "shortcomings". Today, Mr. Sever is a successful broker. He writes that Mr. Balsamo "...was the only person that gave me an opportunity and opened a door for me when no one else would...If it wasn't for him I wouldn't know where I would be today. "

Vito Balsamo's on again-off again battle with alcohol and illicit substances is referenced in PSR, para. 67-69 and in several of the letters I have appended. In 1989 he voluntarily enrolled in a 28-day in-patient residential substance abuse treatment program at Villa Veritas Foundation in Kerhonkson, New York, and successfully completed the program. Yet, six months after leaving the program he relapsed

Page-4-

Re: United States v. Vito Balsamo
12-CR-50 (S-2)-02 (CBA)

and resumed drinking alcohol. (PSR, para. 68) He has, however, conquered this last affliction and has been sober since 2010. As acknowledged in the PSR, Mr. Balsamo credits Alcoholics Anonymous ("AA") in his achievement of sobriety. He attends AA meetings between five and seven times a week. (Id.) To his personal credit, Mr. Balsamo is active within AA and assists others in their goal of sobriety.

Dan L.* himself having achieved 18 years of sobriety, recounts for Your Honor Mr. Balsamo's present involvement and interaction with AA:

" I...have watched Vito jump into the program of AA with both feet. Whether it is arriving an hour early to make coffee for the meeting or his help cleaning up afterward, Vito contributes. I see him at the five or so meetings that I attend on a weekly basis. Equally important is his sponsorship of the newcomer to the program. He has gained the respect of many of the young men and women of the program. He takes newcomers to meetings, spends time with them at the diner after the meetings, and as a result has contributed to the sobriety of those he has helped, none more important than... [who] is attending meetings on a daily basis with his love and support.

Pastor Jeffrey Conway confirms Mr. Balsamo's commitment to AA and opines, "It is important that he be able to continue service in AA and in the community."

Linda Cannistraci, who first met Vito Balsamo "in the rooms of [AA] where we share a common bond to stay sober and help other alcoholics to do the same", recounts for Your Honor Mr. Balsamo's efforts

* His full name will be provided to the Court upon request.

Page-5-

Re: United States v. Vito Balsamo
12-CR-50 (S-2)-02 (CBA)

on behalf of her daughter. She writes, " He was significant in helping me with my daughter agree to go to Arms Acres Drug and Alcohol Rehabilitation Center. I am happy to say she is sober today and taking "College Now" classes..."

Donna Costa, Mr. Balsamo's sister-in law, details the tragic efforts to save the life of Mr. Balsamo's brother, Vincent. She states:

"Vito was always there for me during my marriage to his brother who battled with a substance problem. Vito helped me many times with getting Vincent into rehabilitation centers, and remained optimistic during this time hoping his brother would win this battle. Unfortunately, he lost his brother at the young [age] of 30."

Daughter Andrea, on her own behalf, and on behalf of her younger sister, Bianca, extols the personal qualities she experiences from her father who she considers her "best friend". The other writers, as well, echo Mr. Balsamo's responsibility and concern for people and causes.

Judge Amon, based on weighing all of the sentencing factors contained in Section 3553(a), including the mandate to impose an appropriate sentence that is not greater than necessary to meet the goals of sentencing, I respectfully argue for a non-jail sentence for Mr. Balsamo, with conditions, or, in the alternative, for a split sentence at the low end of the applicable advisory Guideline. To be sure, the offense of conviction is serious. My client continuously expresses his remorse for his participation in the agreement to collect the debt. Again, both the government, in the Agreement, and the Probation

Page-6-

Re: United States v. Vito Balsamo
12-CR-50 (S-2)-02 (CBA)

Department in the PSR, recognize that Mr. Balsamo played a minimal role in the conspiracy. These factors when considered together with his CHC of I, his steady employment from 1973 until early this year--when this prosecution necessitated his resignation from the securities firm with which he worked as licensed broker (PSR, para. 73)--warrant the consideration of a non-jail sentence. Also, Mr. Balsamo has been compliant with the conditions and requirements of Pretrial Services both before and after Your Honor authorized his removal from home detention and location monitoring on April 6, 2012. Furthermore, Mr. Balsamo's early decision to accept responsibility and enter a plea, as well as his consent to pay a forfeiture money judgment compliment his sincere expressions of contrition.

Yet, I respectfully further submit that there are additional circumstances that I argue warrant Your Honor's consideration of a non-jail sentence. Since his late 20s, Mr. Balsamo engaged in alcohol and other substance abuse. One attempt at sobriety at a 28 day residential in-patient substance abuse program failed with a relapse six months after his release. (PSR, para. 68) Mr. Balsamo, who has been sober since 2010, credits his connection to, involvement in and assistance of AA with his ability to finally eliminate the abuse demons from his life. His focus as a survivor has been and is to "give back" and help others in need of the same encouragement and guidance that finally resulted in his sobriety. He attends AA meetings five times weekly. He sponsors newcomers to the AA program. He spends time with the newcomers and shares his bad and good experiences with them. He embraces them as he was embraced. He is a contributing factor to their hoped for sobriety. As Pastor Conway stated in his appended letter, "It is important that he be able to continue service in AA and in the community." Thus,

Page-7-

Re: United States v. Vito Balsamo
12-CR-50 (S-2)-02 (CBA)

taking all of the above positive history and characteristics of Vito Balsamo and weighing them against any negatives, I ask this Court to impose a non-jail sentence. Directing Mr. Balsamo to continue his efforts, or even intensify them, with respect to those in need in the AA program will surely benefit those individuals and the community in a more significant, direct and meaningful manner than removing Mr. Balsamo from their reach.

As Justice Scalia recognized in Gall v. United States, 552 S. Ct. 38 (2007), a probationary sentence is not a slap on the wrist, but that it is a substantial and significant restriction on a person's liberty and freedom. First, there is a life-time felony conviction which the probationer must bear. Thereafter, there are possible years of restrictions and conditions affecting various physical movements without the approval of the Probation Department. There are time-sensitive reporting responsibilities and obligations, both in person and with respect to financial disclosures. Additionally, the probationer is subject to home and or business visits by the Probation Department as well as any other condition, obligation or responsibility the Court or the Department may decide to impose.

One of the 3553 (a) factors the sentencing Court must consider is whether a particular sentence demonstrates respect for the law. I submit also, that "the law" encompasses the concept of individualized sentences which consider the offender a unique person and takes into account the needs of a community. I am reminded of the reported comment of Hon. Raymond J. Dearie, subsequent to the Supreme Court's decision in Booker that the Court has returned judging to Judges. I again contend that

Page-8-

Re: United States v. Vito Balsamo
12-CR-50 (S-2)-02 (CBA)

Vito Balsamo's sentencing should consider his individualized characteristics and the needs of the community, and not be anchored to strict mathematical formulae. Imposition of the above-described probationary conditions and restrictions, arrest, prosecution and attendant expenses should dissuade others from committing this type of offense and reflects just punishment for Mr. Balsamo here. Finally, I am confident that Vito Balsamo will never run afoul of the law again.

Thank you for your patience and consideration.

Respectfully.

A handwritten signature in cursive script that reads "Michael Rosen".

Michael Rosen
Cell: (516) 381-6690

MR:wp

June 8, 2012

Hon. Carol B. Amon
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Dear Judge Amon:

I am Nogay Sever I am 30 years old and I am a stockbroker for over 8 years now. I came to the USA from the Mideast without knowing a single word of English or an understanding of anything. I have known Vito Balsamo for the most part of my adult life. He is man of genuine kindness and a true generosity. I am thankful to God that he is in my life. I first met Vito on my 22nd birthday on Oct 1st of 2003. I started working at an entry level job in the financial sector. I was wearing a suit that belongs to my father and white socks. I didn't speak much English and he barely understood what I was saying. Even though with all my short comings Vito hired me and believed in me. He was the only person that gave me an opportunity and opened a door for me when no one else would.

When I first started it wasn't easy. The manager at our old firm didn't like the fact that I barely knew English and had only 1 pair of shoes and a shirt. I spoke with a heavy Middle Eastern accent and wasn't too popular in the post 9/11 New York. He wanted fire me. Just when I thought my career was ending before it even began, Vito stood up for me and put his reputation on the line and help me keep my job. That morning not only did he stand up for me but he also took me to a department store and bought me a complete new outfit and dinner. He did all this out of the kindness of his heart without expecting anything in return. Over the year he has invited me to his family events, Sunday dinners and even his daughter's birthday parties and treated me like his son.

Today I am a well to do stock broker and I provide for my family and living the American dream. I look at Vito as an older brother or a young uncle. I turn to him for advice, support and help when I am of need. He has never let me down and he is truly a man of his word and great character. Over the years he has become a part of my family and I have become a part of his family. If it wasn't for him I wouldn't know where I would be today. I keep him in my prayers and look up to him as an elder.

Sincerely,

A handwritten signature in dark ink, appearing to be "Nogay Sever", enclosed within a large, loopy oval shape.

Nogay Sever

Hon. Carol B. Amon
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 1120

Dear Judge Amon,

My hope is that this letter leaves you with a better understanding of a man I've known for the past twenty years, Mr. Vito Balsamo.

Our children, Andrea and Philip, attended the same Catholic grammar school on Staten island. It was there, through our many class trips, that I began to understand the pedigree of the man. We called ourselves Mr. Moms, as we were the only dads on the class trips. We shared our philosophies, family values, work ethics and religious beliefs. I will never forget the fourth-grade class trip to the Liberty Bell in Pennsylvania in 1998. It was there that I learned of Vito's change of direction in life and his evolving career as a Wall Street stockbroker.

At the time I was going through a life-changing event myself. I had recently lost my job of twenty years and was faced with a similar task of recreating myself at the age of 45. It was through Vito's encouragement and humbling story of starting from the bottom, as well as his tenacity that "failure was not an option," that I was able to summon the courage and determination to succeed. I am proud to say that using Vito as a power of example, I have been able to build a successful business some 13 years later.

Vito has changed direction and overcome adversity in another important area of his life. He is achieving sobriety one day at a time through the program of Alcoholics Anonymous and has been doing so for the last year and a half. Again, "failure was not an option." He entered the program in 1989, left, and then came back with the same determination to achieve sobriety that led him to become a successful stockbroker.

JUL-07-2012 11:40
07/06/2012 16:130000-GB-9440-0000
7106070365

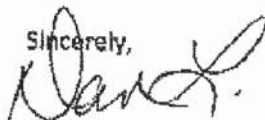
DONGAN HILLS PHARMAY

PAGE 03/03

I, myself, have 18 years of sobriety and have watched Vito jump into the program of AA with both feet. Whether it is his arriving an hour early to make coffee for the meeting or his help cleaning up afterward, Vito contributes. I see him at the five or so meetings that I attend on a weekly basis. Equally important is his sponsorship of the newcomer to the program. He has gained the respect of many of the young men and women of the program. He takes newcomers to meetings, spends time with them at the diner after the meetings, and as a result has contributed to the sobriety of those he has helped, none more important than his daughter Andrea. She has admitted being powerless and is attending meetings on a daily basis with his love and support.

Your honor, I hope I have been successful in defining a man that, although faced with adversity in more than one area of his life, has been successful in overcoming these adversities with a strong determination and faith. My belief is that incarceration would not be rehabilitating, but would be debilitating. Rehabilitation started back in 1993 when Vito changed direction in life and became a stock broker. His rehabilitation continues every day through his sobriety and his tireless efforts to help others. I believe in my heart that his family and those fortunate enough to know Vito would be better served if he is allowed to lead by example as a free man and as the man God has intended him to be. Thank you for your patience and consideration.

Sincerely,



Dan L.

05/19/2012 14:18

7186670365

DONGAN HILLS PHARMAY

✓ PAGE 07/07

Our Lady Star of the Sea

5371 Ambrog Road

Staten Island, N.Y. 10312

(718) 984-0593

June 20, 2012

Your Honor,

I am writing to you on behalf of Vito Balsamo. My name is Msgr. Jeffrey P. Conway and I am Pastor of Our Lady Star of the Sea Church.

I met Vito in Alcoholics Anonymous, as I myself am a recovering alcoholic with 32 years of sobriety. He is a faithful coffeemaker at the AA Meetings and has attended AA Men's Retreats where I served as the Retreat Master. He regrets his past mistakes and has completely turned his life around. He faithfully attends "AA" meetings, Church Services and Healing Masses.

It is important that he be able to continue service in AA and in the community. If I can be of further assistance, please don't hesitate to call me.

Sincerely,



Msgr. Jeffrey P. Conway
Pastor

06/19/2012 14:18

7186578365

DONGAN HILLS PHARMAY

✓ PAGE 04/07

Linda Cannistraci

144 Admiralty Loop
Staten Island, NY 10309

347-202-3049

June 9, 2012

Hon. Carol B. Amon
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Vito Balsamo

Dear Honorable Judge Amon:

I am writing on behalf of Vito Balsamo whom I have known for some time now. I believe I am able to write about Mr. Balsamo's moral character, so I hope you will take this letter into account when making your decision.

I met Vito in the rooms of Alcoholic Anonymous where we share a common bond to stay sober and help other alcoholics to do the same. The friendship grew as I performed interior decorating work and socialized with him.

It became quite evident to me how Vito wanted to change his life, including his spiritual life. There was not much to change but the inside. He already had the foundation of a man of integrity and a strong traditional background, which is clearly seen in his relationship with his daughters'. He is very involved in the lives of his daughters', Andrea and Bianca's. When in his company he answers every phone call from them or calls them to check in. His diligence to give them a good life is exemplified with his 20 years on Wall Street where he built himself from the ground up. Sending them to good schools, attending class trips, supporting and inspiring them in their college years. Always letting them know they are valued and loved.

He is a genuinely generous man with his time and is compassionate towards others. When I asked Vito Balsamo to step in and help with my daughter about her addiction and to let her know that there was a better way to live he was at my home without hesitation. He was significant in helping me with my daughter agree to go to Arms Acres Drug and Alcohol Rehabilitation Center. I am happy to say she is sober today and taking "College Now" classes at Tottenville HS, including Criminal Justice.

JUL-07 11:12 AM 05/19/2012 14:18

7186670365

DONGAN HILLS PHARMAY

PAGE 05/07

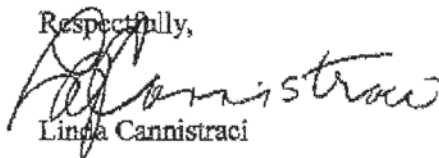
Page Two
June 9, 2012

Through many conversations with Vito Balsamo he is always looking to better his life. Whether it is through knowing God more intimately and doing his will or by motivating others to always do the next right thing. It is in this context that Vito lives his life today.

Amazing Grace Kids is a grass roots volunteer effort to help needy children on Staten Island. We are having a fund raiser in November at the Hilton Hotel to raise money for this cause. He has expressed a special interest to be involved and I know I would love to have him on board for this cause.

I wish Vito all the best in his endeavors so that he can continue to be a positive influence on his family, friends and community.

Respectfully,



Linda Cannistraci

June 11, 2012

Hon. Carol B. Amon
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Dear Judge Amon:

My name is Donna Costa. I am married 16 years and the proud mom of two daughters. It is with great pride and my privilege to write to you about my dear friend and brother-in-law, Vito Balsamo.

Our families have known each other for almost 40 years when my mom, Marie and Vito's Aunt Theresa met and became friends. This was the start of a long and wonderful family relationship. Soon after that, my oldest sister Jennifer dated Vito and I dated Vincent, Vito's younger brother. I remember when Vito was just 17, he lost his father tragically to heart disease. At the funeral, I remember thinking how brave and mature he was during such an emotional and tragic time in a young man's life. The strength and courage he displayed was a small glimpse into the future as to the man Vito would become.

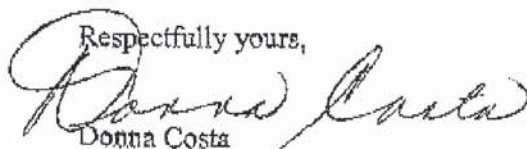
I became part of Vito's family when I married his brother in 1982. Vito was always there for me during my marriage to his brother who battled with a substance problem. Vito helped me many times with getting Vincent into rehabilitation centers, and remained optimistic during this time hoping his brother would win this battle. Unfortunately, he lost his brother at the young of 30. Losing his father and now his brother took such an emotional toll on him. Once again, Vito became the rock on which his mother and sisters would lean on.

In spite of Vito's challenged upbringing, he rose above his circumstances, educated himself and became a successful stock broker on Wall Street for 20 years which lead to a partnership for a successful brokerage firm.

Four years ago, Vito's life took yet another turn. He shared with me his desire to know about God more. My whole family was thrilled because we are all devout Christians. He has harnessed his new found faith with God and has displayed an even more compassionate and caring person toward others.

Your honor, it is with heart felt emotion that I plead for your compassion in considering the case of Vito Balsamo. He is an amazing son, a responsible husband, an incredible father and a very dear friend to many of us. These relationships would suffer dearly with an interruption of his presence in our lives.

Respectfully yours,


Donna Costa

From: Vito J Balsamo <vbalsamo@fssna.com>
Reply-To: Vito J Balsamo <vbalsamo@fssna.com>
To: wportega@optonline.net
Subject: balsamo letter
Date: Mon, 09 Jul 2012 18:45:39 -0400 (EDT)

Hon. Carol B. Amon

United States District Judge

United States Courthouse

225 Cadman Plaza East

Brooklyn, NY 1120

July 2, 2012

Dear Judge Amon,

As the eldest of Vito Balsamo's two daughters, I am writing this letter on behalf of my sister and I. Our dad is loving, caring, dedicated, family oriented, hard- working, compassionate, intelligent, etc. Countless times I have seen our father sacrifice for our family. He is always willing to reach out his hand to help another. The welfare of my mother, sister, and I has always come first. He has always taught us to help others in need and to be kind no matter what. From the very beginning of our school days our father took an active role- waking us up, making us breakfast, and driving us to school before he himself headed to work. That's how he started his day everyday for 18 years. These mornings made for laughs and memories that will last a lifetime.

Throughout our lives our father has taught us by example the importance of turning our lives and will over to the care of God. Based on teachings from the Catholic faith our father has instilled a strong sense of moral and values into my sister and I. I believe his strong confidence in God has greatly influenced our faith and belief in the church. He has always stressed faith, and kindness. I sincerely believe his faith is the foundation of our open and honest relationship.

Fast forward a couple of years and I have recently found myself at a new chapter in my life- a chapter that would not at all be possible without the love and support of my dad. I've decided, like my father, to make some changes and try my hardest to commit to a life of sobriety. Throughout my father's sobriety I have seen him extend his hand to a variety of people in the A.A. fellowship. It is his experience, strength, and hope that makes a difference in the newcomers life- giving them the opportunity of peace and serenity. Taking him away from this fellowship would not do anything but hurt and disserve the community for countless people lean and rely on him including myself. I have never been without my dad for a long period of time nor do I ever want to have to endure the pain of not having him with me. It is crucial that he is here with me during this particular time in my life, leading me by example.

Not too many people I know are fortunate to say their father is just like mine. He has taught my sister and I lessons that have paved the way for us to lead a life of happiness. He sent us to the best schools, instilling in us from a young age that education is the most important key to success. He is by our side through our times of trouble giving us a shoulder to lean on and times of happiness cheering us on. We are truly blessed with the father God chose for us. He is irreplaceable in our eyes. Thank you in advance for your time and patience. I hope this letter gave you a better understanding of the man I am proud to call my father and best friend.

Thank You,

Andrea Balsamo

BOSCO & WARD

Attorneys-at-Law

Thirty Nine Broadway, Suite 1230

New York, NY 10006

Telephone: (718) 351-0929

Facsimile: (718) 351-3141

www.legalbw.com

Los Angeles Office

4223 Glencoe Avenue

Marina Del Rey, CA 90202

June 4, 2012

Hon. Carol B. Amon
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

RE: Mr. Vito Balsamo

Dear Judge Amon:

Thank you for this opportunity to provide you my thoughts and opinions of Mr. Vito Balsamo. By way of introduction, I am a practicing attorney in New York specializing in international transactions, foreign investment and project development.

I have enjoyed the pleasure of knowing Vito, his wife Cecilia, and his daughters Andrea and Bianca for over 13 years. Vito and I first met at a father-daughter dance with our daughters Bianca and Carolyn, respectively, about the year 1999.

Our daughters have been the closest of friends since the first days of their grammar school classes together. As a result, our family members each became very good friends and our relationship is just as if our families are truly relatives. Consequently, throughout the years our daughters have participated in family events with each family. Vito personally has always had the full trust and confidence of myself and my wife to take my daughter on trips with his daughter, such as to go skiing, and to stay overnight with Vito's family. In fact, one time my daughter was seriously injured while skiing with Vito and Bianca, and Vito took full charge as a parent and did all things necessary to protect and take care of my daughter's well-being.

In all my experience and social interaction with Vito, he has always shown great responsibility

14:18

7186670365

DONGAN HILLS PHARMAY

PAGE 02/07

and integrity to make correct decisions and do the right thing. He has always demonstrated to me the highest standards of morality, through his words and conduct. I see him at Sunday Mass regularly, and he is truly a family man.

Any incident of a lapse of judgment on Vito's part can only be just that, since it is totally out of his character as I know him.

I trust your review of this matter will bring you to the same conclusion, since Vito's family needs him to be with them to provide for their support and well-being.

Sincerely yours,

Ch. Brown

DON M. BOSCO, ESQ.

JUL -07 07/05/2012 16:13

7186670365

DONGAN HILLS PHARMAY

PAGE 01/03



July 2, 2012

Mr. Vito Balsamo
170 Overlook Avenue
Staten Island, NY 10304

BOARD OF DIRECTORS:

Sigurd Ackerman, MD

Dean S. Asofsky

Andreas Hildebrand

Elyse N. Kroll

Jacqui Martin

Cecelia McCarton, MD

Bill Monroes

David Robbins

Shawn Rubin

Suzanne Rubin

Louis Toscano

STAFF:

Cecelia McCarton, MD
Executive Director

Loretta M. Vosseler
Chief Operating Officer
and Chief Financial Officer

Ivy Feldman, Ph.D., BCBA-D
Education Director - Lower School

Jacquelin Hickey, M.S., BCBA
Education Director - Upper School

Peter Gerhardt, Ed.D.
Education Director - Upper School

LEGAL COUNSEL:

Peter Dapoch, Partner
Morrison & Foerster, LLP

Dear Mr. Balsamo:

Every day the teachers and therapists at the McCarton School work diligently to unlock the incredible potential that each of our students possess. Your support is the key to making this possible.

We are grateful for the support you showed at our Celebration of Learning Gala last month. Through the event's live and silent auctions we were able to raise nearly \$1 million. This would not have been possible without your generous donation of a dinner reservation for four at Rao's on Wednesday, August 14, 2012. The funds raised from your gift will help our exceptional team of educators to develop the unique minds and bodies of our students. We deeply appreciate your generosity and allegiance to our cause.

Thank you again for joining us in our mission to empower young people on the spectrum through education.

Sincerely yours,

Cecelia M. McCarton, M.D.
Founding Executive Director

In accordance with Internal Revenue Service requirements, we confirm that The McCarton Foundation is a 501(c)3 non-profit organization, Tax ID #02-0568114. Since you received no goods or services, this gift is entirely tax-deductible to the fullest extent permitted by law. Should you have any questions or need any additional information, please contact Whitney Loy via email at wloy@mccartonfoundation.org or by telephone at (646) 783-6103.

07/09/2012

2008 e-file Activity Report

Page 1

11:14 AM

JOHN TAPINIS & ASSOCIATES LTD.

Client GPT183 - VITO BALSAMO AND CELIA GRAZIAN SSN: 130-50-0107

DCN: 00-116502-56259-9

DCN (Ext.): 00-116502-56105-9

Federal: Balance Due.....\$10917

New York: Balance Due.....\$6073

Federal (Ext.): EFT and Payment/Refund Information - Not available until transmitted

New York (Ext.): EFT and Payment/Refund Information - Not available until transmitted

Activity

US - ACCEPTED 10/16 (Current Status)

Previous Activity

- 10/15 Sent to the IRS
- 10/15 Received at Lacerte
- 10/15 Sent to Lacerte
- 10/15 Ready To Send
- 10/15 Passed Validation

NY - ACCEPTED 10/16 (Current Status)

Previous Activity

- 10/16 Forwarded to New York
 - 10/15 Received at Lacerte
 - 10/15 Sent to Lacerte
 - 10/15 Ready To Send
 - 10/15 Passed Validation
-

07/09/2012

2009 e-file Activity Report

Page 1

11:06 AM

JOHN TAPINIS & ASSOCIATES LTD.

Client GPT183 - VITO BALSAMO

SSN: 130-50-0107

DCN: 00-202857-55292-0

DCN (Ext.): 00-116502-55184-0

Federal: Balance Due.....\$3820

New York: Autowithdrawal.....\$129

New York (Ext.): Even Return.....\$0

Activity

US - SENT TO THE IRS 10/15 (Current Status)

Previous Activity

- 10/15 Received at Lacerte
- 10/15 Sent to Lacerte
- 10/15 Ready To Send
- 10/15 Passed Validation
- 10/15 Failed Validation

NY - RECEIVED AT LACERTE 10/15 (Current Status)

Previous Activity

- 10/15 Sent to Lacerte
- 10/15 Ready To Send
- 10/15 Passed Validation
- 10/15 Failed Validation

Extension

NY - ACCEPTED 04/16 (Current Status)

Previous Activity

- 04/15 Forwarded to New York
- 04/15 Received at Lacerte
- 04/15 Sent to Lacerte
- 04/15 Ready To Send
- 04/15 Passed Validation

07/09/2012

2010 e-file Activity Report

Page 1

11:08 AM

JOHN TAPINIS & ASSOCIATES LTD.

Client GPT183 - VITO BALSAMO

SSN: 130-50-0107

DCN: 00-202857-08768-1

DCN (Ext.): 00-202857-08611-1

Federal: Even Return.....\$0

New York: Direct Deposit.....\$63

Federal (Ext.): Even Return.....\$0

New York (Ext.): Even Return.....\$0

Activity

US - ACCEPTED 10/18 (Current Status)

Previous Activity

- 10/18 Sent to the IRS
- 10/17 Sent to the IRS
- 10/17 Received at Lacerte
- 10/17 Sent to Lacerte
- 10/17 Ready To Send
- 10/17 Passed Validation
- 10/17 Failed Validation

NY - ACCEPTED 10/19 (Current Status)

Previous Activity

- 10/17 Received at Lacerte
- 10/17 Sent to Lacerte
- 10/17 Ready To Send
- 10/17 Passed Validation
- 10/17 Failed Validation

Extension

US - ACCEPTED 04/12 (Current Status)

Previous Activity

- 04/12 Sent to the IRS
- 04/12 Received at Lacerte
- 04/12 Sent to Lacerte
- 04/12 Ready To Send
- 04/12 Passed Validation

Extension

NY - ACCEPTED 04/13 (Current Status)

Previous Activity

- 04/12 Received at Lacerte
- 04/12 Sent to Lacerte
- 04/12 Ready To Send